

*Electronically Filed on:  
April 25, 2006*

JANET L. CHUBB, ESQ.  
Nevada State Bar No. 176  
JONES VARGAS  
100 W. Liberty St, 12<sup>th</sup> Floor  
P.O. Box 281  
Reno, NV 89504-0281  
Telephone: 775-786-5000  
Fax: 775-786-1177  
Email: [jlc@jonesvargas.com](mailto:jlc@jonesvargas.com)  
and [tbw@jonesvargas.com](mailto:tbw@jonesvargas.com)

Attorneys for Direct Lenders/Beneficiaries

**UNITED STATES BANKRUPTCY COURT**

**DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE  
COMPANY,

Debtor.

Case No. BK-S-06-10725-LBR  
Chapter 11

**OPPOSITION TO MOTION FOR  
ORDER GRANTING DEBTOR  
ADDITIONAL TIME TO FILE ITS  
STATEMENTS AND SCHEDULES**

Hearing Date: May 3, 2006  
Hearing Time: 9:30 a.m.

Jones Vargas represents numerous direct lenders, who are named beneficiaries ("Direct Lenders/Beneficiaries") of certain loans which were originated and serviced by one of the following Debtors, USA Commercial Mortgage Company, USA Capital First Trust Deed Fund, LLC, USA Capital Diversified Trust Deed Fund, LLC, USA Capital Realty Advisors, LLC, and USA Securities, LLC, all of which have filed petitions under 11 U.S.C. Chapter 11 in this court, and, in that representative capacity only, oppose the Motion for Order Granting Debtor Additional Time to File Its Statements and Schedules, for the following reasons:

1. Debtor is not paying the Direct Lenders/Beneficiaries.
2. Debtor is withholding property which is not property of the estate pursuant to 11 U.S.C. § 541.
3. The Direct Lenders/Beneficiaries need the information which will presumably be included in the Schedules and Statements in order to enforce their rights.

1           4.       The Direct Lender/Beneficiaries need the information in the Schedules and  
2 Statements to meaningfully participate in the 11 U.S.C. § 341 Meeting of Creditors set for May  
3 17, 2006.

4           DATED this 25<sup>th</sup> day of April, 2006.

5                               JONES VARGAS

6  
7                               By:           //s// Janet L. Chubb            
8                               JANET L. CHUBB, ESQ.

9                               Attorneys for Direct Lenders/Beneficiaries  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

JONES VARGAS  
100 W. Liberty Street, 12<sup>th</sup> Floor  
P.O. Box 281  
Reno, Nevada 89504-0281  
Tel: (775) 786-5000 Fax: (775) 786-1177

JONES VARGAS  
100 W. Liberty Street, 12<sup>th</sup> Floor  
P.O. Box 281  
Reno, Nevada 89504-0281  
Tel: (775) 786-5000 Fax: (775) 786-1177

# **CERTIFICATE OF SERVICE**

1. On April 25, 2006, I served the following document(s):

## **OPPOSITION TO MOTION FOR ORDER GRANTING DEBTOR ADDITIONAL TIME TO FILE ITS STATEMENTS AND SCHEDULES**

2. I served the above-named document(s) by the following means to the persons as listed below:

: a. **ECF System** (attach the "Notice of Electronic Filing" or list all persons and addresses):

- **KELLY J. BRINKMAN**  
kbrinkman@gooldpatterson.com
- **CANDACE C CARLYON**  
ltreadway@sheacarlyon.com  
ccarlyon@sheacarlyon.com;bankruptcyfilings@sheacarlyon.com;rsmith@sheacarlyon.com
- **EDWARD J. HANIGAN**  
haniganlaw@earthlink.net haniganlaw1@earthlink.net
- **ROBERT R. KINAS**  
rkinas@swlaw.com  
mstrand@swlaw.com;jlustig@swlaw.com;lholding@swlaw.com;imccord@swlaw.com
- **ROBERT C. LEPOME**  
robert@robertlepome.com susan@robertlepome.com
- **RICHARD MCKNIGHT**  
mcknightlaw@cox.net  
gkopang@lawlasvegas.com;cburke@lawlasvegas.com,sforemaster@lawlasvegas.com
- **JEANETTE E. MCPHERSON**  
jmcpherson@s-mlaw.com bkfilings@s-mlaw.com
- **LENARD E. SCHWARTZER**  
bkfilings@s-mlaw.com

9 b. **United States mail, postage fully prepaid** (list persons and addresses):

9 c. **Personal Service** (list persons and addresses):  
I personally delivered the document(s) to the persons at these addresses:

9 For a party represented by an attorney, delivery was made by handing the document(s) to the attorney or by leaving the document(s) at the attorney's office with a clerk or other person in charge, or if no one is in charge by leaving the document(s) in a conspicuous place in the office.

9 For a party, delivery was made by handing the document(s) to the party or by leaving the document(s) at the person's dwelling house or usual place of abode with someone of suitable age and discretion residing there.

9 d. **By direct email (as opposed to through the ECF System)** (list persons and email addresses):

Based upon the written agreement of the parties to accept service by email or a court order, I caused the document(s) to be sent to the persons at the email addresses listed below. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

**9 e. By fax transmission** (list persons and fax numbers):

Based upon the written agreement of the parties to accept service by fax transmission or a court order, I faxed the document(s) to the persons at the fax numbers listed below. No error was reported by the fax machine that I used. A copy of the record of the fax transmission is attached.

**9 f. By messenger:**

I served the document(s) by placing them in an envelope or package addressed to the persons at the addresses listed below and providing them to a messenger for service. (A declaration by the messenger must be attached to this Certificate of Service).

**I declare under penalty of perjury that the foregoing is true and correct.**

DATED this 25<sup>th</sup> day of April, 2006.

\_\_\_\_\_  
Name Tawney Waldo

\_\_\_\_\_  
Signature //s// Tawney Waldo

JONES VARGAS  
100 W. Liberty Street, 12<sup>th</sup> Floor  
P.O. Box 281  
Reno, Nevada 89504-0281  
Tel: (775) 786-5000 Fax: (775) 786-1177